

UNITED STATES DISTRICT COURT

for the

District of New Mexico

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address)

One (1) black "AMERICAN TOURISTER" soft-sided)
 suitcase.)

Case No.

15mr831

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

DEC 15 2015

MATTHEW J. DYKMAN
 CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One (1) black "AMERICAN TOURISTER" soft-sided suitcase, DEA Albuquerque District Office, Albuquerque, NM.

located in the Judicial District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

Weapons and controlled substances, to include Cocaine, Heroin, Methamphetamine, and/or Marijuana; currency.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC § 841	Possession with Intent to Distribute a Controlled Substance.
18 USC § 922	Alien in Possession of a Firearm.

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

G. Maestas
 Applicant's signature

Gerald P. Maestas, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12-15-2015

City and state: Albuquerque, New Mexico

Laura Fashing
 Judge's signature

Laura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Gerald P. Maestas, being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the Drug Enforcement Administration (DEA). I have been so employed since August 2000. Prior to my employment with the DEA, I was a Police Officer for eleven years. By virtue of my employment with the DEA, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my twenty-six years in law enforcement, I have conducted a variety of investigations into violations ranging from simple possession of narcotics to complex international conspiracies. I have also participated in and/or executed many search warrants. I am currently assigned to the Albuquerque District Office Interdiction Group.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a black "American Tourister" suitcase (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance, and Title 18 United States Code 922(g). Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation.

BACKGROUND OF THE INVESTIGATION

On December 14, 2015, Special Agent (SA) Gerald Maestas and Task Force Officer (TFO) Jimmy Bledsoe were at the Greyhound Bus Station, 320 1st Street SW, Albuquerque, New Mexico conducting consensual encounters with passengers as they boarded the bus. SA Jarrell Perry was also at the bus station, but did not conduct encounters with passengers. SA Maestas began speaking with passengers from the back of the bus forward, as TFO Bledsoe began from the middle of the bus forward.

As SA Maestas approached the middle area of the bus after conducting numerous encounters with passengers at the back of the bus, SA Maestas greeted a male subject seated on the right side of the aisle, displayed his DEA badge, identified himself as a police officer and asked if he could speak to the subject. The subject responded, "Yeah, he just talked to me" and gestured toward TFO Bledsoe who was a few feet away. SA Maestas conducted consensual encounters with other passengers that TFO Bledsoe had not spoken to and then exited the bus. SA Maestas spoke to SA Perry, who had been standing outside the bus while SA Maestas and TFO Bledsoe conducted encounters. SA Perry advised that a male subject seated at the right side of the aisle appeared to be acting nervously. SA Perry advised that he had observed the male subject turn to look at SA Maestas approximately five to six times as SA Maestas was talking to other passengers. SA Perry also advised that twice the subject had yawned and stretched his arms over his head in what SA Perry considered an exaggerated manner.

SA Maestas entered the bus again and approached the male subject, who was the same subject that had immediately told SA Maestas that SA Bledsoe had already spoken to him. SA

Maestas again greeted the subject again displayed his DEA badge and identified himself as a police officer and told the subject that he knew TFO Bledsoe had already spoken to him, but advised that SA Maestas had a couple of questions and asked if he could speak to the subject again. The subject stated, "Yeah, oh yeah". The subject asked if SA Maestas wanted to see his ticket and SA Maestas stated that he would and asked to see some identification as well. During the encounter, SA Maestas learned that the subject lived in Arizona and was traveling to Tennessee to visit friends and family through the holidays. The subject handed SA Maestas a ticket in the name of "Jesie Dominquez". SA Maestas asked to see his identification and Dominquez handed SA Maestas a Mexican Passport issued to Jesus Alberto Rascon-Dominguez. SA Maestas returned the passport to Dominguez and asked how many bags he was traveling with. Dominguez responded that he had one. SA Maestas asked Dominguez to identify his bag for him and Dominguez stood up and identified a black duffel bag in the overhead compartment directly above his seat. SA Maestas asked if Dominguez had any contraband in his bag, and Dominguez responded, "No, no, no". SA Maestas asked if Dominguez would allow SA Maestas to search it and Dominguez responded, "Yeah, that's fine". SA Maestas searched the duffel bag and located a large semi-automatic Ruger .40 handgun with a black t-shirt wrapped around it. SA Maestas asked what caliber the handgun was and Dominguez responded, "That's a 40, I think".

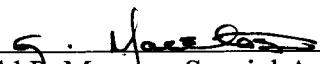
Dominguez was escorted off the bus and after law enforcement databases showed he was an illegal alien, Dominguez was arrested and transported to the Albuquerque District Office. Following a thorough search of Dominguez's "VANS" duffel bag, agents discovered a Greyhound bus ticket and claim check issued to "Joe Salazar". Based on SA Maestas' training and experience, he is aware that often people transporting contraband will purchase a ticket

under a false name and check luggage containing the contraband under that false name. SA Maestas is also aware that Greyhound does not require passengers to show proof of identification. Believing that the luggage under the name of Joe Salazar contained contraband, SA Maestas requested that New Mexico State Police Officer Eziquel Garcia attempt to locate the piece of checked luggage when the bus arrived for its regularly-scheduled stop in Tucumcari, New Mexico. Officer Garcia located the piece of luggage and after every passenger on the Greyhound bus disclaimed ownership of the suitcase and there was no "Joe Salazar" traveling on the bus, Officer Garcia seized the bag. Officer Garcia transported the suitcase to TFO Bledsoe who transported the piece of luggage, a large black "AMERICAN TOURISTER" soft-sided suitcase, to the Albuquerque District Office. SA Maestas and TFO Bledsoe secured the SUBJECT PROPERTY in a storage locker pending the acquisition of a Court-Authorized search warrant.

It is SA Maestas' belief that the SUBJECT PROPERTY contains weapons, controlled substances, or the proceeds from the sale of controlled substances.

Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Kimberly Brawley.



Gerald P. Maestas, Special Agent
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

December 15, 2015 at Albuquerque, New Mexico



Laura Fashing, United States Magistrate Judge